

# MEMO

**TO:** Community Economic and Human Development Committee (CEHD)  
**FROM:** Jacob Lieb, Acting Lead Regional Planner, (213) 236-1921, lieb@scag.ca.gov  
**SUBJECT:** SB 744 (Dunn)  
**DATE:** May 6, 2004

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**RECOMMENDATION:** Information Only

## **BACKGROUND**

Senate Bill 744 (Dunn) was introduced on February 21, 2003, and was passed by the Senate on January 26, 2004. To date, the bill is not scheduled for hearing in the Assembly. SCAG staff is presenting this report to the Committee at the request of members of the Regional Council.

In its current form, the bill would allow a housing developer to appeal a local land use decision to the State Department of Housing and Community Development under specified conditions. These conditions include the lack of a Housing Element in compliance with State law, or a local action on a building permit application that is inconsistent with the Housing Element.

In January 2001, the Regional Council adopted its Housing Element Reform Priorities, which creates a regional policy opposing penalties for Housing Element non-compliance. As such, SCAG is opposed to the current SB744 in concept.

It should be noted that the recently completed Statewide Housing Element Working Group discussed the issue of Housing Element enforcement but did not reach closure during the time appointed the group by the Legislature. Several members of the working group, including both housing advocates in support of SB 744 and local governments in opposition, have agreed to continue negotiations around this issue, as well as on local performance based certification. Should an agreement emerge from those negotiations that either amends SB 744, or creates substitute legislation, SCAG will report to the Committee seeking any additional appropriate action.